

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL PICARELLA,

Plaintiff,

14-cv-4463 (ALC) (AJP)

-against-

HSBC SECURITIES (USA) INC.,

Defendant.

**DECLARATION OF DAMIEN J. MARSHALL
IN SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Damien J. Marshall declares, pursuant to 28 U.S.C. § 174, under penalty of perjury, that the following is true and correct:

1. I am a partner of the law firm of Boies, Schiller & Flexner LLP, 575 Lexington Avenue, New York, New York. I am admitted to practice in the State of New York and this Court. I am submitting this declaration in support of Defendant HSBC Securities (USA) Inc.'s, Motion for Summary Judgment, dated June 12, 2015, in the above-captioned actions.
2. Attached as Exhibit 1 is a true and correct copy of the 2009 Barclays Year End Downward Appraisal of Michael Picarella dated February 3, 2010, and bearing Bates Numbers BARC_000007 through BARC_000013.
3. Attached as Exhibit 2 is a true and correct copy of the 2010 Barclays Mid-Year Downward Appraisal of Michael Picarella, dated July 19, 2010, and bearing Bates Numbers BARC_000014 through BARC_000018.

4. Attached as Exhibit 3 is a true and correct copy of an offer letter from HSBC to Michael Picarella, dated April 13, 2011 and bearing Bates Numbers HSBCPIC00000031 through HSBCPIC00000034. Some personally identifying information has been redacted.
5. Attached as Exhibit 4 is a true and correct copy of the Barclays Record of Termination of Michael Picarella, dated April 14, 2011, and bearing Bates Number BARC_000024.
6. Attached as Exhibit 5 is a true and correct copy of the 2011 HSBC Mid Year Manager Review of Michael Picarella, dated August 17, 2011, and bearing bates range HSBCPIC00000095 through HSBCPIC00000099.
7. Attached as Exhibit 6 is a true and correct copy of a Sametime Chat between Eileen Hedges and [REDACTED], dated September 14, 2011, and bearing Bates Number HSBCDLTDOC-00010730.
8. Attached as Exhibit 7 is a true and correct copy of a Sametime Chat between Christopher DeLuca and [REDACTED], dated October 13, 2011, and bearing Bates Numbers HSBCPIC00005039 through HSBCPIC00005040.
9. Attached as Exhibit 8 is a true and correct copy of an email from [REDACTED] to James Carlone re: Re: Sales Compliance Review – Org Chart dated November 15, 2011, with native attachment, and bearing Bates Numbers HSBCDLTDOC-00012424 through HSBCDLTDOC-00012426. Some personally identifying information has been redacted.
10. Attached as Exhibit 9 is a true and correct copy of a Sametime Chat between Eileen Hedges and [REDACTED], dated November 22, 2011, and bearing Bates Number HSBC-ST00000445

11. Attached as Exhibit 10 is a true and correct copy of a Sametime Chat between Eileen Hedges and [REDACTED], dated November 22, 2011, and bearing Bates Number HSBC-ST00001528.

12. Attached as Exhibit 11 is a true and correct copy of a Sametime Chat between Eileen Hedges and [REDACTED], dated November 22, 2011, and bearing Bates Number HSBC-ST00000444.

13. Attached as Exhibit 12 is a true and correct copy of a Sametime Chat between Eileen Hedges and [REDACTED], dated November 22, 2011, and bearing Bates Number HSBC-ST00007220.

14. Attached as Exhibit 13 is a true and correct copy of a Sametime Chat between Eileen Hedges and [REDACTED], dated December 1, 2011, and bearing Bates Numbers HSBCPIC00005045 through HSBCPIC00005046.

15. Attached as Exhibit 14 is a true and correct copy of a Sametime Chat between [REDACTED] and Eileen Hedges, dated December 1, 2011, and bearing Bates Number HSBC-ST00000410.

16. Attached as Exhibit 15 is a true and correct copy of a Sametime Chat between Christopher DeLuca and [REDACTED], dated December 6, 2011, and bearing Bates Numbers HSBCPIC00005047 through HSBCPIC00005050.

17. Attached as Exhibit 16 is a true and correct copy of an email from Michael Picarella re: Yesterday Eileen told me that I should expect a zero bonus..., dated December 6, 2011, and bearing Bates Number Picarella000419. Some personally identifying information has been redacted.

18. Attached as Exhibit 17 is a true and correct copy of a Sametime Chat between Christopher DeLuca and [REDACTED], dated December 7, 2011, and bearing Bates Numbers HSBCPIC00005052 through HSBCPIC00005053.

19. Attached as Exhibit 18 is a true and correct copy of a Sametime Chat between Christopher DeLuca and [REDACTED], dated December 8, 2011, and bearing Bates Number HSBCPIC00005054.

20. Attached as Exhibit 19 is a true and correct copy of an email from Michael Picarella to Kevin Freer re: Fwd: Michael, dated December 16, 2011, and bearing Bates Numbers Picarella000636 through Picarella000645. Some personally identifying information has been redacted.

21. Attached as Exhibit 20 is a true and correct copy of an email from PowerMail Manager bcc Kathy Vogel et. al. re: New Appointment – Chief Operating Officer, Global Markets, Americas, dated December 21, 2011, and bearing Bates Numbers HSBCPIC00051934 through HSBCPIC00051936.

22. Attached as Exhibit 21 is a true and correct copy of a Sametime Chat between Christopher DeLuca and [REDACTED], dated December 21, 2011, and bearing Bates Numbers HSBC-ST00000517 through HSBC-ST00000518.

23. Attached as Exhibit 22 is a true and correct copy of a Sametime Chat between Mary-Jo Rogers and Michael Picarella, dated December 21, 2011, and bearing Bates Number HSBC-ST00003928.

24. Attached as Exhibit 23 is a true and correct copy of 2011 HSBC Year End Manager Review of Michael Picarella, dated December 21, 2011, and bearing Bates Numbers HSBCPIC00000106 through HSBCPIC00000107.

25. Attached as Exhibit 24 is a true and correct copy of the HSBC 2011/2012 Pay Review Statement of Michael Picarella, dated February, 2012, and bearing Bates Numbers HSBCPIC00005199 through HSBCPIC00005200.

26. Attached as Exhibit 25 is a true and correct copy of a Sametime Chat between [REDACTED] and Eileen Hedges, dated January 11, 2012, and bearing Bates Number HSBC-ST00003065.

27. Attached as Exhibit 26 is a true and correct copy of a Sametime Chat between Eileen Hedges and [REDACTED], dated January 18, 2012, and bearing Bates Number HSBCPIC00005055.

28. Attached as Exhibit 27 is a true and correct copy of the 2011 HSBC Year End Manager Review of Carol Semetulskis, dated February 1, 2012, and bearing Bates Numbers HSBCPIC00012647 through HSBCPIC00012652.

29. Attached as Exhibit 28 is a true and correct copy of a Sametime Chat between Christopher DeLuca and [REDACTED] dated February 7, 2012, and bearing Bates Number HSBCPIC00005059 though HSBCPIC00005060.

30. Attached as Exhibit 29 is a true and correct copy of a Sametime Chat between Eileen Hedges and Mary-Jo Rogers, dated February 7, 2012, and bearing Bates Numbers HSBC-ST00004227 through HSBC-ST00004228.

31. Attached as Exhibit 30 is a true and correct copy of an email from [REDACTED] to Eileen Hedges re: Re: hi, dated February 13, 2012, with family documents omitted, bearing Bates Number HSBCDLTDOC-00019773. Some personally identifying information has been redacted.

32. Attached as Exhibit 31 is a true and correct copy of a Sametime Chat between [REDACTED] and Eileen Hedges, dated March 14, 2012, and bearing Bates Number HSBCDLTDOC-00021747.

33. Attached as Exhibit 32 is a true and correct copy of a Sametime Chat between Eileen Hedges and Suzy White, dated March 14, 2012, and bearing Bates Number HSBC-ST00003597.

34. Attached as Exhibit 33 is a true and correct copy of a Sametime Chat between Eileen Hedges and [REDACTED], dated March 23, 2012, and bearing Bates Numbers HSBC-ST00005700 through HSBC-ST00005701.

35. Attached as Exhibit 34 is a true and correct copy of a Sametime Chat between [REDACTED] and Eileen Hedges, dated April 3, 2012, and bearing Bates Number HSBC-ST00003262.

36. Attached as Exhibit 35 is a true and correct copy of an email from Suzy White to Michael Picarella cc Carlos Pizzimbono, Christopher Heusler, Eddie Norton, Eileen Hedges, Guy Coles, John Lindon, Kevin Sheffield, Lawrence Karp, Maria Molynas-Drazal, Martin Maciak, Nicholas Taylor, Patricia Gomez, Patrick Brady, Stephen Boras re: RE RM Identification Project, dated April 9, 2012, and bearing Bates Numbers HSBCPIC00004988 through HSBCPIC00004991. Some personally identifying information has been redacted.

37. Attached as Exhibit 36 is a true and correct copy of an email from Ellen Weiss to Ellen Weiss re: Mike, dated April 11, 2012, and bearing Bates Number HSBCPIC-RIST00001535.

38. Attached as Exhibit 37 is a true and correct copy of a Sametime Chat between Eileen Hedges and [REDACTED], dated April 16, 2012, and bearing Bates Number HSBC-ST00003076.

39. Attached as Exhibit 38 is a true and correct copy of an email from Ellen Weiss to Ellen Weiss re: Fw: Mike, dated April 16, 2012, and bearing Bates Numbers HSBCPIC-RIST00001444- HSBCPIC-RIST00001445.
40. Attached as Exhibit 39 is a true and correct copy of an email from Ellen Weiss to Ellen Weiss re: Eileen, dated April 18, 2012, and bearing Bates Number HSBCPIC00007026.
41. Attached as Exhibit 40 is a true and correct copy of an email from Michael Picarella to Ellen Weiss, dated April 20, 2012, and bearing Bates Number HSBCPIC00005000. Some personally identifying information has been redacted.
42. Attached as Exhibit 41 is a true and correct copy of an email from Ellen Weiss to Ellen Weiss re: mike, dated April 25, 2012, and bearing Bates Number HSBCPIC00001997.
43. Attached as Exhibit 42 is a true and correct copy of an email from Michael Picarella to Ellen Weiss re: Re: Hello, dated April 26, 2012, and bearing Bates Number HSBCPIC00002167.
44. Attached as Exhibit 43 is a true and correct copy of an email from Ellen Weiss to Ellen Weiss, re: Re: Fw: [REDACTED] Discussion Documentation, dated May 30, 2012, and bearing Bates Numbers HSBCPIC-RIST00002267 through HSBCPIC-RIST00002268.
45. Attached as Exhibit 44 is a true and correct copy of an email from Ellen Weiss to Ellen Weiss re: Mike, dated June 25, 2012, and bearing Bates Number HSBCPIC-RIST00001196.
46. Attached as Exhibit 45 is a true and correct copy of an email from Ellen Weiss to Ellen Weiss re: Re: meeting, dated July 1, 2012, and bearing Bates Numbers HSBCPIC-RIST00001263 through HSBCPIC-RIST00001264. Some personally identifying information has been redacted.

47. Attached as Exhibit 46 is a true and correct copy of an email from Michael Picarella to Ellen Weiss re: Follow-up, dated July 1, 2012, and bearing Bates Numbers HSBCPIC00001702 through HSBCPIC00001703. Some personally identifying information has been redacted.

48. Attached as Exhibit 47 is a true and correct copy of Discussion Notes with Eileen Hedges and Sue Jang, dated July 24, 2012, and bearing Bates Number HSBCPIC-RIST00002202.

49. Attached as Exhibit 48 is a true and correct copy of an email from Ellen Weiss to Ellen Weiss re: Mike, dated July 25, 2012, and bearing Bates Number HSBCPIC00002005.

50. Attached as Exhibit 49 is a true and correct copy of an email from Michael Picarella to Ellen Weiss cc Michael Picarella re: Follow-up, dated July 26, 2012, and bearing Bates Numbers HSBCPIC-RIST00001030 through HSBCPIC-RIST00001033. Some personally identifying information has been redacted.

51. Attached as Exhibit 50 is a true and correct copy of an email from Carlos P. Pizzimbono to Carlos P. Pizzimbono cc Ellen Weiss re: Discussion with Mike, dated July 30, 2012, and bearing Bates Number HSBCPIC00006978.

52. Attached as Exhibit 51 is a true and correct copy of the Final Written Warning of Eileen Hedges, dated August 27, 2012, and bearing Bates Number HSBCPIC-RIST00002203.

53. Attached as Exhibit 52 is a true and correct copy of an email from Carlos Pizzimbono to Ellen Weiss, Suzy White, re: Re:, dated September 11, 2012, and bearing Bates Numbers HSBCPIC00001937 through HSBCPIC00001938.

54. Attached as Exhibit 53 is a true and correct copy of an email from Suzy White to Michael Picarella cc Carlos P. Pizzimbono bcc Ellen Weiss re: Re: Fw: Suitability Regulatory Issues Recap, dated September 12, 2012 and bearing Bates Numbers HSBCPIC00001780 through HSBCPIC00001782. Some personally identifying information has been redacted.

55. Attached as Exhibit 54 is a true and correct copy of an email from Jon Blizzard to Michael Picarella cc Alexandra Holland, Brian Goldwasser, James Levelis, Paul Lashmet, Samantha Welch, Susan Agonis, Tak Fung, Sirisha Vallabhaneni, Suzy White, Christopher O'donnell, re: Re: Suitability Regulatory Issues Recap, dated September 12, 2012, and bearing Bates Numbers HSBCPIC00005159 through HSBCPIC00005162. Some personally identifying information has been redacted.

56. Attached as Exhibit 55 is a true and correct copy of an email from Suzy White to Michael Picarella cc Carlos Pizzimbono bcc Ellen Weiss, re: Re: Names for Mid-year Feedback, dated September 13, 2012, and bearing Bates Numbers HSBCPIC00051999 through HSBCPIC00052000. Some personally identifying information has been redacted.

57. Attached as Exhibit 56 is a true and correct copy of an email from Suzy White to Ellen Weiss re: Fw: Mid-Year Feedback, dated September 13, 2012, and bearing Bates Number HSBCPIC00001964.

58. Attached as Exhibit 57 is a true and correct copy of an email from Suzy White to Ellen Weiss cc Carlos Pizzimbono, dated September 13, 2012, and bearing Bates Numbers HSBCPIC-ST00006981 through HSBC-ST00006982.

59. Attached as Exhibit 58 is a true and correct copy of an email from Suzy White to Ellen Weiss re: Fw: Mid-Year Feedback, dated September 13, 2012, and bearing Bates Numbers HSBCPIC00001958 through HSBCPIC00001959.

60. Attached as Exhibit 59 is a true and correct copy of an email from Suzy White to Ellen Weiss cc Carlos P. Pizzimbono re: No Subject, dated September 13, 2012, and bearing Bates Numbers HSBCPIC-RIST00002252 through HSBCPIC-RIST00002253.

61. Attached as Exhibit 60 is a true and correct copy of an email from Cary Goodwin to Suzy White cc Carlos P. Pizzimbono re: Re: Fw: Mid-Year Feedback, dated September 14, 2012, and bearing Bates Numbers HSBCPIC00001932 through HSBCPIC00001933.

62. Attached as Exhibit 61 is a true and correct copy of an email from Jon Blizzard to Suzy White cc Carlos P. Pizzimobono re: Re: Mid-Year Feedback, dated September 14, 2012, and bearing Bates Number HSBCPIC00001936.

63. Attached as Exhibit 62 is a true and correct copy of an email from James Kibbe to Suzy White re: Re: Fw: Mid-Year Feedback, dated September 14, 2012, and bearing Bates Numbers HSBCPIC-RIST00002780 through HSBCPIC-RIST00002781. Some personally identifying information has been redacted.

64. Attached as Exhibit 63 is a true and correct copy of an email from Suzy White to Michael Picarella cc Carlos Pizzimbono bcc Ellen Weiss, re: Re: Suitability Suggestion, dated September 18, 2012, with attachments omitted, and bearing Bates Numbers HSBCPIC00001786 through HSBCPIC00001788. Some personally identifying information has been redacted.

65. Attached as Exhibit 64 is a true and correct copy of an email from Michael Picarella to Carol Jenner, re: Re: Fw: Your question – Swap Sales Authority List, dated September 20, 2012, with attachments omitted, and bearing Bates Numbers HSBCPIC00023795 through HSBCPIC00023800. Some personally identifying information has been redacted.

66. Attached as Exhibit 65 is a true and correct copy of an email from Carol Jenner to Suzy White re: Fw: Your question – Swap Sales Authority List, dated September 20, 2012, with attachments omitted, and bearing Bates Numbers HSBCPIC00022294 through HSBCPIC00022299. Some personally identifying information has been redacted.

67. Attached as Exhibit 66 is a true and correct copy of the 2012 Mid Year HSBC Manager Review of Michael Picarella, dated September 24, 2012, and bearing Bates Numbers HSBCPIC00000100 through HSBCPIC00000105.

68. Attached as Exhibit 67 is a true and correct copy of an email from Carol Jenner to Suzy White re: fyi, dated October 2, 2012, and bearing Bates Numbers HSBCPIC00007877 through HSBCPIC00007878.

69. Attached as Exhibit 68 is a true and correct copy of an email from Suzy White to Michael Picarella cc Carol Jenner bcc Ellen Weiss re: Re: Fw: Americas Global Markets Priority Client Management, dated October 5, 2012, and bearing Bates Numbers HSBCPIC00001790 through HSBCPIC00001794.

70. Attached as Exhibit 69 is a true and correct copy of an email from Michael Picarella to Mary Bilbrey re: Hello, dated October 12, 2012, and bearing Bates Number Picarella002655. Some personally identifying information has been redacted.

71. Attached as Exhibit 70 is a true and correct copy of an email from Michael Picarella to Maria Malanga, re: Follow-up, dated October 17, 2012, and bearing Bates Number Picarella000432. Some personally identifying information has been redacted.

72. Attached as Exhibit 71 is a true and correct copy of an email from Carol Jenner to Suzy White, Carlos Pizzimbono re: my responsibilities update, dated October 31, 2012, and bearing Bates Numbers HSBCPIC00001907 through HSBCPIC00001909.

73. Attached as Exhibit 72 is a true and correct copy of the 2012/2013 HSBC Pay Review Statement of Michael Picarella, bearing Bates Numbers HSBCPIC00005203 through HSBCPIC00005204.

74. Attached as Exhibit 73 is a true and correct copy of an email from Michael Picarella to Mary Bilbrey, dated January 16, 2013, and bearing Bates Number Picarella002802. Some personally identifying information has been redacted.

75. Attached as Exhibit 74 is a true and correct copy of an email from Mary Bilbrey to Michael Picarella bcc Maria Malanga, dated January 17, 2013, and bearing Bates Numbers HSBCPIC00012866 through HSBCPIC00012867. Some personally identifying information has been redacted.

76. Attached as Exhibit 75 is a true and correct copy of an email from Patrick Brady to Suzy White re: Coordination – Hedge Fund on-boarding, dated February 13, 2013, with attachments, and bearing Bates Numbers HSBCPIC00001988 through HSBCPIC00001994.

77. Attached as Exhibit 76 is a true and correct copy of the 2012 HSBC Year End Manager Review of Carol Semetulskis, dated February 22, 2013, and bearing Bates Numbers HSBCPIC00012653 through HSBCPIC00012659. Some personally identifying information has been redacted.

78. Attached as Exhibit 77 is a true and correct copy of an email from Maria Malanga to Michael Picarella cc Mary Bilbrey, re: Re: Fw., dated April 8, 2013, and bearing Bates Numbers HSBCPIC00007337 through HSBCPIC00007343. Some personally identifying information has been redacted.

79. Attached as Exhibit 78 is a true and correct copy of an email from Mary Bilbrey to Michael Picarella, re: Re:, dated April 12, 2013, and bearing Bates Numbers Picarella002941 through Picarella002942. Some personally identifying information has been redacted.

80. Attached as Exhibit 79 is a true and correct copy of an email from Carlos P. Pizzimbono to Michael Picarella cc Carol Jenner, Mary Bilbrey re: Re: Weekly Commentary, dated April 24,

2013, and bearing Bates Numbers HSBCPIC00010385 through HSBCPIC00010387. Some personally identifying information has been redacted.

81. Attached as Exhibit 80 is a true and correct copy of the 2012 HSBC Year End Manager Review of Michael Picarella, dated May 13, 2013, and bearing Bates Numbers HSBCPIC00000088 through HSBCPIC00000094.

82. Attached as Exhibit 81 is a true and correct copy of an email from Michael Karam to Michael Picarella re: Re: Todays Meeting, dated May 21, 2013, and bearing Bates Numbers HSBCPIC00005167 through HSBCPIC00005171. Some personally identifying information has been redacted.

83. Attached as Exhibit 82 is a true and correct copy of Michael Picarella's Charge of Discrimination, dated June 27, 2013, and bearing Bates Numbers HSBCPIC000003111 through HSBCPIC00000324. Some personally identifying information has been redacted.

84. Attached as Exhibit 83 is a true and correct copy of an email from Michael Karam to Michael Picarella re: Re: Fw: Follow Up, dated September 27, 2013, and bearing Bates Numbers HSBCPIC00004965 through HSBCPIC00004973. Some personally identifying information has been redacted.

85. Attached as Exhibit 84 is a true and correct copy of the 2013 HSBC Mid Year Manager Review of Michael Picarella, dated December 10, 2013, and bearing Bates Numbers HSBCPIC00000122 through HSBCPIC00000126.

86. Attached as Exhibit 85 is a true and correct copy of an email from Michael Picarella to Carlos P. Pizzimbono re: Fw: Suitability Regulatory Issues Recap, dated December 11, 2013, and bearing Bates Numbers HSBCPIC00025182 through HSBCPIC00025184. Some personally identifying information has been redacted.

87. Attached as Exhibit 86 is a true and correct copy of the HSBC 2013/2014 Pay Review Statement of Michael Picarella, bearing Bates Numbers HSBCPIC00005207 through HSBCPIC00005208.

88. Attached as Exhibit 87 is a true and correct copy of an email from Michael Karam to Michael Picarella re: Re: Greenwich, dated February 21, 2014, and bearing Bates Numbers HSBCPIC00001188 through HSBCPIC00001191. Some personally identifying information has been redacted.

89. Attached as Exhibit 88 is a true and correct copy of the 2013 HSBC Year End Manager Review of Michael Picarella, dated May 16, 2014, and bearing Bates Numbers HSBCPIC00000127 through HSBCPIC00000130.

90. Attached as Exhibit 89 is a true and correct copy of the 2014 Mid Year Manager Review of Michael Picarella, dated November 21, 2014, and bearing Bates Numbers HSBCPIC00000079 through HSBCPIC00000085.

91. Attached as Exhibit 90 is a true and correct copy of an email from Michael Picarella to Mary Bilbrey cc Jim Hubbard re: Complaint, dated November 24, 2014, and bearing Bates Number HSBCPIC00004984. Some personally identifying information has been redacted.

92. Attached as Exhibit 91 is a true and correct copy of a [REDACTED], and bearing Bates Numbers HSBCPIC00005457 through HSBCPIC00005458.

93. Attached as Exhibit 92 is a true and correct copy of an email from Maria Malanga to Michael Picarella re: Re: My VM, dated November 26, 2014, and bearing Bates Numbers HSBCPIC00004985 through HSBCPIC00004987. Some personally identifying information has been redacted.

94. Attached as Exhibit 93 is a true and correct copy of a letter from D. Marshall to J. Hubbard re: Michael Picarella Administrative Leave, dated January 15, 2015.
95. Attached as Exhibit 94 is a true and correct copy of a letter from J. Hubbard to M. Kutas et al. re: Michael Picarella Investigation, dated February 25, 2015.
96. Attached as Exhibit 95 is a true and correct copy of a Termination Letter from HSBC to Michael Picarella, dated March 26, 2015, bearing Bates Number HSBCPIC00005259. Some personally identifying information has been redacted.
97. Attached as Exhibit 96 is a true and correct copy of an HSBC Financial Crime Investigation prepared by Matthew Kutas re: NY Post inquiry/PICARELLA, Michael, dated March 31, 2015, and bearing Bates Numbers HSBCPIC00005260 through HSBCPIC00005263.
98. Attached as Exhibit 97 is a true and correct copy of Plaintiff's Second Amended Complaint in the above-captioned action, dated April 9, 2015.
99. Attached as Exhibit 98 is a true and correct copy of the Plaintiff's Response to Defendant's Second Set of Interrogatories in the above-captioned action, dated April 20, 2015.
100. Attached as Exhibit 99 is a true and correct copy of Defendant's Answer to Plaintiff's Second Amended Complaint in the above-captioned action, dated April 23, 2015.
101. Attached as Exhibit 100 is a true and correct copy of Joint Stipulations signed by the parties in the above-captioned action, dated May 14, 2015.
102. Attached as Exhibit 101 is a true and correct copy of the Plaintiffs' Response to Defendant's First Set of Requests for Admission in the above-captioned action, dated May 15, 2015.

103. Attached as Exhibit 102 is a true and correct copy of the Employee Complaint and Anti-Retaliation/Whistle Blower Protection Policy of HSBC, dated April 22, 2014, and bearing Bates Numbers HSBCPIC00000005 through HSBCPIC00000007.

104. Attached as Exhibit 103 is a true and correct copy of an On/Off-Track mid-year check-point assessment, bearing Bates Number HSBCPIC00051938.

105. Attached as Exhibit 104 is a true and correct copy of PowerPoint Presentation entitled What is Calibration, dated August 13, 2010, and bearing Bates Number HSBCPIC-RIST00003784.

106. Attached as Exhibit 105 is a true and correct copy of HSBC Performance Management FAQ's, dated November 1, 2014, and bearing Bates Numbers HSBCPIC00051939 through HSBCPIC00051964.

107. Attached as Exhibit 106 is a true and correct copy of the Curriculum Vitae of Michael Picarella, dated November 1, 2014, and bearing Bates Numbers HSBCPIC00001912 through HSBCPIC00001913.

108. Attached as Exhibit 107 is a true and correct copy of relevant excerpts of the deposition transcript of Mary Bilbrey, dated May 5, 2015.

109. Attached as Exhibit 108 is a true and correct copy of relevant excerpts of the deposition transcript of Didier Descamps, dated May 15, 2015.

110. Attached as Exhibit 109 is a true and correct copy of relevant excerpts of the deposition transcript of Eileen Hedges, dated May 13, 2015.

111. Attached as Exhibit 110 is a true and correct copy of relevant excerpts of the deposition transcript of Michael Karam, dated April 21, 2015.

112. Attached as Exhibit 111 is a true and correct copy of relevant excerpts of the deposition transcript of Maria Malanga, dated May 18, 2015.

113. Attached as Exhibit 112 is a true and correct copy of relevant excerpts of the deposition transcript of [REDACTED], dated May 29, 2015.

114. Attached as Exhibit 113 is a true and correct copy of relevant excerpts of day 1 of the deposition transcript of Michael Picarella, dated March 31, 2015.

115. Attached as Exhibit 114 is a true and correct copy of relevant excerpts of day 2 of the deposition transcript of Michael Picarella, dated May 12, 2015.

116. Attached as Exhibit 115 is a true and correct copy of relevant excerpts of the deposition transcript of Susan Roskell, dated May 6, 2015.

117. Attached as Exhibit 116 is a true and correct copy of relevant excerpts of the deposition transcript of Ellen Weiss, dated May 11, 2015.

118. Attached as Exhibit 117 is a true and correct copy of the declaration of Didier Descamps, executed June 8, 2015.

119. Attached as Exhibit 118 is a true and correct copy of the declaration of Michael Karam, executed June 8, 2015.

120. Attached as Exhibit 119 is a true and correct copy of the declaration of Kim Shawke, executed June 10, 2015.

121. Attached as Exhibit 120 is a true and correct copy of the declaration of Carol Semetulskis, executed June 11, 2015.

122. Attached as Exhibit 121 is a true and correct copy of the declaration of Carlos Pablo Pizzimbono, executed June 11, 2015.

123. Attached as Exhibit 122 is a true and correct copy of the declaration of Suzanna White, executed June 12, 2015.

Dated: New York, New York
June 12, 2015

A handwritten signature in dark ink, reading "Damien Marshall", written over a horizontal line.

Damien J. Marshall
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